UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

NAJEE OLIVER,	)	
	)	
Movant,	)	
	)	
v.	)	CR417-065
	)	CV420-245
UNITED STATES OF	)	
AMERICA,	)	
	)	
Respondent.	)	

O R D E R

After a careful <u>de novo</u> review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation (R&R), (doc. no. 19), to which no objections have been filed. Accordingly, the R&R is **ADOPTED**, and Oliver's Motion to Amend, (doc. no. 13), is **DENIED**, and his 28 U.S.C. § 2255 Motion, (doc. no. 1), as amended, (docs. nos. 2 & 3), is **DENIED**. The Clerk is **DIRECTED** to **CLOSE** civil action CV420-245.

Further, a prisoner seeking relief under 28 U.S.C. § 2255 must obtain a certificate of appealability ("COA") before appealing the denial of his application for writ of habeas corpus. 28 U.S.C. § 2253(c)(1)(B). This Court "must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Rule 11(a) to the Rules Governing Section 2255 Proceedings. This Court should grant a COA only if the prisoner makes a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For the reasons set forth in the Report and Recommendation, and in consideration of the standards enunciated in *Slack v. McDaniel*, 529 U.S. 473, 482-84 (2000), movant has failed to make the requisite showing. Accordingly, the Court **DENIES**

a COA in this case.[1] Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Accordingly, movant is not entitled to appeal *in forma pauperis.* *See* 28 U.S.C. § 1915(a)(3).

     ORDER ENTERED at Augusta, Georgia, this _25th_ day of March, 2024.

                                    _____

                                    J. RANDAL HALL, CHIEF JUDGE
                                    UNITED STATES DISTRICT COURT
                                    SOUTHERN DISTRICT OF GEORGIA

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[1] "If the court denies a certificate, [a party] may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22." Rule 11(a) to the Rules Governing Section 2255 Proceedings.